

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

DIANE E. MATHER, individually)	CIVIL NO. 14-00429 SOM/RLP
and as trustee of the)	
HANA2008 LIVING TRUST and the)	ORDER GRANTING MOTION TO
VIOLET BLACK TRUST,)	REASSIGN CASE
)	
Plaintiffs,)	
)	
vs.)	
)	
FIRST HAWAIIAN BANK, a Hawaii)	
corporation,)	
)	
Defendant.)	
_____)	

ORDER GRANTING MOTION TO REASSIGN CASE

Defendant First Hawaiian Bank lent Plaintiff Diane E. Mather \$686,000 and extended a line of credit to her of up to \$20,000. These loans were secured by mortgages on property located on Dole Street, in Honolulu, Hawaii. When Mather defaulted on these loans, First Hawaiian Bank filed a state-court foreclosure action. The state court granted summary judgment in favor of First Hawaiian Bank, issued a decree of foreclosure, and certified its ruling pursuant to Rule 54(b) of the Hawaii Rules of Civil Procedure. A court-appointed commissioner sold the Dole Street property at public auction, and the state court issued a deficiency judgment against Mather. Mather did not appeal any of the state court's rulings or judgments.

In Civil No. 14-00091 SOM/RLP filed here in federal court, Mather attempted to undo and unwind the state-court orders and judgments, adding claims against David Nakashima and Jonathan Lai, the attorneys who represented First Hawaiian Bank in the foreclosure proceedings. On September 15, 2014, final judgment was entered in that federal case. On September 18, 2014, Mather sought relief from that final judgment, asking in part for leave to file another amended complaint asserting a claim under 18 U.S.C. § 1964. That motion was denied on September 18, 2014.

Mather did not file a timely appeal in the earlier case. Instead, on September 26, 2014, Mather filed a new case, asserting the claim under 18 U.S.C. § 1964 against First Hawaiian Bank, Nakashima, and Lai that she had asked to be allowed to file in the previous case. On November 5, 2014, Mather clarified that the new action involves the same property, same loan, and same Defendants as the earlier action. Because the cases are related, the new case should properly be adjudicated by the same judge, who is familiar with the facts of the case. Defendants' motion to reassign the case, ECF No. 14, is therefore granted and the case is assigned to this judge, over Mather's objection. Magistrate Judge Puglisi shall remain the Magistrate Judge assigned to this case

In all future proceedings, this case shall be referred to as Civil No. 14-00429 SOM/RLP. Defendants' motion to dismiss,

ECF No. 13, is set for hearing before this judge on January 12, 2015, at 11:15. The court, of course, reserves the right to decide the matter without a hearing, if appropriate.

IT IS SO ORDERED.

DATED: Honolulu, Hawaii, November 20, 2014



/s/ Susan Oki Mollway
Susan Oki Mollway
Chief United States District Judge

Mather, et al. v. First Hawaiian Bank, CIVIL NO. 14-00429 SOM/RLP; ORDER
GRANTING MOTION TO REASSIGN CASE